

REMARKS

Applicants respectfully request reconsideration of the present case in view of the above amendments and the following remarks.

Claims 18-22 are currently pending. Claims 18-22 have been amended. No new matter has been inserted. Support for the amendments to claims 18 and 21 can be found in the specification at least at page 11, lines 5-10. Claims 19, 20, and 22 were simply amended for purposes of clarification.

Claims 19 and 20 were objected to due to the recitation of a peptide which "lacks epitopes recognized by said antibodies." In response, claims 19 and 20 have been amended in order to obviate this rejection. Applicants respectfully request that this objection be withdrawn.

Claim 21 was objected to due to the misspelling of the word antibodies. In response, claim 21 has been amended in order to obviate this rejection. Applicants respectfully request that this objection be withdrawn.

35 U.S.C. § 112, second paragraph

Claims 18-22 were rejected under 35 U.S.C. § 112, second paragraph as indefinite. Specifically, the Examiner alleged that claim 18 did not use consistent language. The Examiner also alleged that a feature of claim 19 lacked a clear antecedent in claim 18. Finally, the Examiner alleged that a feature of claim 22 lacked a clear antecedent in claim 18. While not conceding the correctness of the Examiner's positions on these points, in the interest of advancing prosecution, Applicants have amended claims 18, 19, and 22 in order to obviate these rejections. Applicants respectfully request that these rejections be withdrawn.

Double Patenting

Claims 21 and 22 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8-12 of copending Application No. 10/133007 (now U.S. Patent No. 6,623,921). In response, Applicants have submitted herewith a Terminal Disclaimer in order to obviate this rejection. Applicants

respectfully request that this rejection be withdrawn. Applicants do not concede the correctness of the rejection.

It is respectfully submitted that each of the pending claims is in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Dated: March 18, 2004

By: 

Douglas P. Mueller
Reg. No. 30,300

DPM:MED:kf

23552

PATENT TRADEMARK OFFICE